

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DELORES HESS, ET AL.)	
)	
COMPLAINANTS)	
)	
VS.)	CASE NO. 93-286
)	
EAST CLARK COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On August 16, 1993, Delores Hess ("Hess") and several other customers of East Clark County Water District ("East Clark") filed a formal complaint against East Clark. Hess requested reconsideration of a rate adjustment which the Commission recently authorized.¹ More specifically, Hess requested that the authorized increase in rates be placed into effect over a four-year period rather than immediately.

Commission Regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint establishes a prima facie case. A complaint establishes a prima facie case when it sets forth on its face sufficient allegations that, if uncontradicted by other evidence, would entitle the complainant to the requested relief. If a complaint fails to establish a prima facie case, the

¹ Case No. 92-343, Application of East Clark County Water District for a Certificate of Public Convenience and Necessity, Approval of Financing and for Adjustment of Retail Rates (April 5, 1993).

Commission must notify the complainant and provide a reasonable opportunity to amend the complaint.

Hess's complaint fails to state a prima facie case. It does not allege that East Clark's current rates are unlawful or unreasonable. It does not state that the revenues produced by the recently granted rate adjustment are excessive. To the contrary, Hess implies that the utility is in dire need of that rate adjustment. Insofar as Hess is seeking reconsideration of the Commission's final Order in East Clark's recent rate proceeding, their complaint is untimely. KRS 278.400.

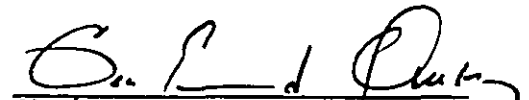
IT IS THEREFORE ORDERED that:

1. Hess shall have 20 days from the date of this Order to file an amended complaint which sets forth a prima facie case against East Clark.

2. In the event that an amended complaint is not filed within 20 days of the date of this Order, this case shall be dismissed without further order.


Done at Frankfort, Kentucky, this 2nd day of September, 1993.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Don Mills


Commissioner